

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9071 – SB 9008**

October 27, 2021

**SUMMARY OF BILL:** Authorizes the Attorney General and Reporter (AG) to petition the court to appoint a district attorney general pro tem for the purpose of prosecuting certain criminal offenses when a district attorney general refuses to prosecute all instances of such an offense. Requires the court to appoint a district attorney general pro tem if the court finds the district attorney general has refused to attend and prosecute according to law. Establishes that the district attorney general pro tem is entitled to the same privileges and emoluments as the regular officer.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – The proposed legislation may result in an increase in state expenditures. The timing, duration, and amount of any increase is unknown and cannot be estimated with reasonable certainty.**

Assumptions:

- Tenn. Code Ann. § 8-7-106(a) outlines the instances in which the court is required to appoint an attorney to supply a district attorney's place temporarily, which are:
  - Failure to attend the circuit or criminal court;
  - Disqualification from acting as district attorney general; or
  - Vacancy in the office.
- The proposed legislation expands such instances to include the required appointment of a district attorney general pro tem if the court finds the district attorney has refused to attend and prosecute according to law.
- The proposed legislation may result in increases in expenditures related to district attorney general pro tem appointments; however, the timing, duration, and compensation of any appointment are unknown and cannot be estimated with reasonable certainty.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

/mp